IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No. 1496 of 1984

HONOURABLE MR.JUSTICE KS JHAVERI

==========

MINOR VISHNUBHAI GOVINDBHAI - Appellant(s)
Versus
KAILASSING BAJRANGSING & 2 - Defendant(s)

==========

Appearance :
MR KH BAXI for Appellant(s) : 1,
NOTICE UNSERVED for Defendant(s) : 1,
MR BA SURTI for Defendant(s) : 2,
MR MINESH V SURTI for Defendant(s) : 2,
MR SC VAKHARIA for Defendant(s) : 2,
MR NAGIN N GANDHI for Defendant(s) : 3,

==========

CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date : 25/07/2006

ORAL JUDGMENT

1. This appeal is directed against the judgement and award dated 9th February 1984 passed by the Motor Accident Claims Tribunal (Aux.) Ahmedabad (Rural) at Narol in MAC Petition No.497/92 whereby the tribunal awarded a sum of Rs.35500/- with proportionate costs and 6% interest. The present appeal is filed claiming enhanced compensation.

2. The case of the claimant is that the claimant Vishnubhai Govindbhai had gone to his field on his cycle to give meals to his brother Prahladji who was working in the field. After giving meals and

returning on cycle, one truck bearing registration No.GRS 5599 knocked down him as a result of which he sustained injuries. Therefore he has filed the above claim petition which was partly allowed.

3. Learned Advocate for the appellant submitted that the Tribunal has committed in taking the monthly income of the applicant only at Rs.700/-. According to the learned counsel the monthly loss could have been Rs.300/- instead of Rs.100/-. The learned Advocate also submitted that the multiplier should have been 18 instead of 15.

5. The Tribunal has awarded Rs.2500 towards medical expenses, Rs.15000/- for pain, shock and suffering and Rs.18000/- toward economic loss.

6. From the record the Tribunal found that the total amount of the medical bills comes to Rs.726.95 and therefore the Tribunal has not committed any error in awarding Rs.2500/- towards medical treatment, etc. As regards pain shock and suffering is concerned, looking to the consultation of doctor, the amount of Rs.15000/- is just and proper. The Tribunal has taken the future loss of income at the rate of Rs.700/- in view of the ambition of the applicant. Therefore, I see no merit in the claim of the appellant that the further prospects in service is required to be considered.

7. In view of the above facts and circumstances,

learned counsel for the appellant is not able to point out to enhance the compensation as already awarded by the Tribunal. No case is made out anything for enhancement of the compensation. This appeal is therefore dismissed. No order as to costs.

[K.S. JHAVERI, J.]

ar